

REMARKS

I. Summary:

(1) Prior to entry of this Amendment, claims 1, 2, 23-31 and 36-54 are pending in the application.

(2) Claims 23, 24, 28, 29, and 31 are hereby cancelled by this Amendment.

(3) New claim 55 has been added. New claim 55 corresponds to prior claim 30 but is rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Particular Items:

In an Office action mailed December 21, 2005, the Examiner: (1) rejected claim 24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; (2) rejected claims 23-24, 28-29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Warner et al. (cited as U.S. Pat. Publication No. US 2003/0168725 A1) in view of Isaak (U.S. Pat. No. 6,323,060 B1); (3) objected to claim 30 as being dependent upon a rejected base claim but indicated its allowability if rewritten in independent form including all the limitations of the base claim and any intervening claims; and (4) has indicated allowance of claims 1, 2, 25-27 and 36-54.

(1) Rejection of Claim 24 Under 35 U.S.C. § 112

Claim 24 stands objected to under 35 USC § 112 and 37 CFR § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Although the Applicants do not agree with the rejection of the Examiner on this claim, in order to move this particular case

forward, the Applicants have cancelled claim 24 from the present application and reserve the right to address this rejection in preliminary remarks in a continuation application.

(2) Rejection of Claims 23, 24, 28-29, and 31 Under 35 U.S.C. § 103(a)

Claims 23, 24, 28-29, and 31 stand rejected under 35 USC § 103(a) as being unpatentable over Warner et al. (cited as U.S. Pat. Publication No. US 2003/0168725 A1) in view of Isaak (U.S. Pat. No. 6,323,060 B1). Although the Applicants do not agree with the rejection of the Examiner on these claims, in order to move this particular case forward, the Applicants have cancelled claims 23, 24, 28-29, and 31 from the present application and reserve the right to address this rejection in preliminary remarks in a continuation application.

(3) Objection to Claim 30

The Office Action states that claim 30 is objected to as being dependent upon a rejected base claim but indicates that the claim would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. In response, the Applicants have cancelled claim 30 from the present application and rewritten it as new claim 55 including all the limitations of the base claim and any intervening claims.

CONCLUSION

The Applicants thank the Examiner for the examination and particularly for his indication of allowability of the indicated claims. The Office Action contains a number of statements potentially reflecting characterizations of various claims, supporting descriptions, and/or patent or patent application references. Regardless of whether any such statements are addressed in this response, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.


The Applicants believe the application to now be in condition for allowance and respectfully request the same at the first convenience of the Examiner.

The Commissioner is hereby authorized by this written request to treat this or any concurrent or future reply that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The Commissioner is further authorized to charge all required fees, including without limitation excess claim fees or other fees under 37 C.F.R. § 1.16 or any required extension of time fees or other fees under 37 C.F.R. § 1.17, to Deposit Account No. 50-3534, on which the undersigned is authorized to sign, and to treat such authorization to charge Deposit Account No. 50-3534 as a constructive petition for an extension of time in this or any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission. The Commissioner is further hereby authorized to credit any overpayment to Deposit Account No. 50-3534.

Respectfully submitted,

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Date: December 27, 2005

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